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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of) MM Docket No. 94-10
)
The Lutheran Church/) File Nos. BR - 890929VC
Missouri Synod) BRH - 890929VB
)
For Renewal of Licenses)
of Stations KFUD/KFUD-FM)
Clayton, Missouri)

To: The Review Board

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**MASS MEDIA BUREAU'S OPPOSITION TO
MOTION TO WAIVE PAGE LIMITATIONS ON APPEALS**

1. On September 27, 1995, the Missouri State Conference of Branches of the NAACP, the St. Louis Branch of the NAACP and the St. Louis County Branch of the NAACP ("NAACP") filed a motion requesting that the 25 page limitation on exceptions contained in Section 1.302(a) of the Commission's Rules be waived to permit the filing of a brief not to exceed 40 pages in length.¹ The Bureau opposes the NAACP's motion.

2. In support of its motion, the NAACP contends that it needs the extra pages due to the length and complexity of the Initial Decision (ID), FCC 95D-11, released September 15, 1995. Indeed, the NAACP contends, the ID is more complex than virtually

¹ Although the NAACP's motion specifies that it is requesting a waiver of Section 1.302 of the Commission's Rules, in a Corrected Motion to Waive the Thirty Day Deadline for Filing Appeals, filed September 29, 1995, the NAACP states that the operative Rule is 1.276. In fact, Section 1.277 of the Commission's Rules sets forth the 25 page limitation that the NAACP seeks to have waived.

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any other initial decision the Board has reviewed in recent years.

3. In the Bureau's view, the NAACP has failed to show good cause for waiver of the page limitation.² Requests for extension of page limitations are not routinely granted. 47 C.F.R. §1.48(b). This proceeding is neither unusually complex nor is it unusually voluminous. The case involves only two issues neither of which is extraordinary. One deals with EEO rule violations and the other is a misrepresentation/lack of candor issue. Although the ID is lengthy, much of the ID is composed of undisputed factual material. Under these circumstances, there is no need to extend the page limitation set forth in Section 1.277 of the Commission's Rules. See, Black Television Workshop of Los Angeles, Inc., FCC 92I-094, released December 15,

² The Commission has held that "the 25 page limit is reasonable for exceptions to initial decisions, but the Review Board may grant waivers of that limit, particularly in complex cases." Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases, 6 FCC Rcd 3403, 3404 (1991).

1992, wherein the Commission refused to waive the page limitation where the petitioner claimed that the Initial Decision was lengthy and the issues complex.

Respectfully submitted,
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October 6, 1995

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 6th day of October 1995, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Opposition to Motion to Waive Page Limitations on Appeals"** to:

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